

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

May 23, 2012
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Hugh Hallman, Tempe, Chair	*Mayor Yolanda Solarez, Guadalupe
Mayor Marie Lopez Rogers, Avondale, Vice Chair	Mayor Thomas Schoaf, Litchfield Park
* Councilwoman Robin Barker, Apache Junction	Supervisor Max W. Wilson, Maricopa Co.
Mayor Jackie Meck, Buckeye	Mayor Scott Smith, Mesa
# Mayor David Schwan, Carefree	Mayor Scott LeMarr, Paradise Valley
Councilman Dick Esser, Cave Creek	#Mayor Bob Barrett, Peoria
Mayor Jay Tibshraeny, Chandler	Mayor Greg Stanton, Phoenix
Mayor Lana Mook, El Mirage	Mayor Gail Barney, Queen Creek
* President Clinton Pattea, Fort McDowell Yavapai Nation	*President Diane Enos, Salt River Pima-Maricopa Indian Community
Mayor Jay Schlum, Fountain Hills	Mayor W. J. "Jim" Lane, Scottsdale
* Mayor Ron Henry, Gila Bend	Mayor Sharon Wolcott, Surprise
* Governor Gregory Mendoza, Gila River Indian Community	*Mayor Adolfo Gamez, Tolleson
Councilman Ben Cooper for Mayor John Lewis, Gilbert	Councilman Rui Pereira, Wickenburg
* Mayor Elaine Scruggs, Glendale	Mayor Michael LeVault, Youngtown
Mayor Georgia Lord, Goodyear	*Victor Flores, State Transportation Board
	Joseph La Rue, State Transportation Board
	Roc Arnett, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call. + Attended by videoconference

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Chair Hugh Hallman at 11:40 a.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chair Hallman noted that Mayor Bob Barrett and Mayor David Schwan were participating in the meeting by teleconference. Councilman Ben Cooper attended the meeting as proxy for Mayor John Lewis.

Chair Hallman noted that on May 16, 2012, the Transportation Policy Committee recommended items 5D and 5E that were on the Regional Council Consent Agenda. He stated that the addendum to the agenda that was previously transmitted was at each place.

Chair Hallman requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item or a yellow public comment card for Consent Agenda items, or items on the agenda for action. Transit tickets for those who used transit to attend the meeting were available from staff.

Chair Hallman noted that this was the last Regional Council meeting for Mayor Jay Schlum. Chair Hallman read a Resolution of Appreciation that had been prepared in recognition of his service to the region and presented it to Mayor Schlum.

Mayor Schlum expressed his appreciation for the resolution and emphasized how impressed he was with the collaborative approach demonstrated at MAG, and he encouraged that it continue.

3. Call to the Audience

Chair Hallman noted that the Call to the Audience provides an opportunity to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Hallman recognized public comment from Pat Vint, a resident of Phoenix. Mr. Vint stated that he came to MAG today because he heard this is where people get satisfaction for their concerns. He stated that there are 40 departments at the City of Phoenix and none of them know what the other is doing. He opined that Frank Fairbanks did that to us. Mr. Vint stated that former Mayor Paul Johnson thought he was better than everyone else. Mr. Vint stated that he had done a lot of things in his life, including building a shopping center at 13th Street and Northern Avenue in the early 1980s. When he built an addition, the City said he had built in the street, and so a 30-year war started. Chair Hallman thanked Mr. Vint for his comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. He noted that the Desert Peaks Awards Program will be held at the Sheraton Downtown Phoenix following the June 27, 2012, MAG Regional Council meeting. Mr. Smith stated that the awards program is held every two

years and honors contributions to regionalism, and he added that the winners of the awards have been selected by the judges.

Mr. Smith reported on the resolution for the support of Arizona's ports of entry with Mexico. He noted that in addition to being adopted by the MAG Regional Council, it has been supported by all of the Councils of Governments and Metropolitan Planning Organizations in Arizona, and the League of Arizona Cities and Towns. Mr. Smith stated that the Governor formed the Transportation and Trade Corridor Alliance to strengthen the state's trade corridors. He stated that work continues on what will be the ask from the Congressional Delegation, and he added that a brochure is being developed.

Mr. Smith stated that MAG had received the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association. He noted that this is the 14th year MAG has received the award, and he extended his congratulations to the MAG Fiscal Services Division.

Mr. Smith noted that a "Save the Date" flyer was at each place for the presentation by nationally recognized expert, Michael Gallis, on the Sun Corridor Economic Region in the 21st Century Global Network. He stated that the event is scheduled for June 13, 2012, at the Renaissance Hotel in downtown Phoenix. Mr. Smith encouraged members and their staff to attend. Chair Hallman requested that the announcement be emailed to members.

Mr. Smith played the new landing page video for the Greater Phoenix Rising website. He also mentioned that links from other agencies' websites to the website will increase traffic.

Chair Hallman thanked Mr. Smith for his report. No questions for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Hallman noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G were on the Consent Agenda. He noted that no public comment cards had been received. Chair Hallman asked members if they had questions or requests to hear an item individually. None were noted.

Mayor Barney moved to approve the Consent Agenda. Mayor Lane seconded, and the motion passed unanimously.

5A. Approval of the April 25, 2012, Meeting Minutes

The MAG Regional Council, by consent, approved the April 25, 2012, meeting minutes.

5B. Enhancement Peer Review Group Round 19 Recommendations

The MAG Regional Council, by consent, approved the list of ranked applications from the MAG Enhancement Peer Review Group be forwarded to the Arizona Department of Transportation for consideration by the State Transportation Enhancement Review Committee. The Enhancement Peer Review Group reviews and recommends a ranked list of Enhancement Fund applications from this

region to the State Transportation Enhancement Review Committee (TERC). This year, eight enhancement fund applications for projects on local roads were received totaling \$5,353,880 with approximately \$9 million available statewide. Two applications for projects on the Arizona Department of Transportation right-of-way were received totaling \$1,886,000 with approximately \$5 million available statewide. The list of ranked applications was recommended to be forwarded to the Arizona Department of Transportation for consideration by the TERC by the MAG Enhancement Peer Review Group on April 23, 2012, and by the MAG Management Committee on May 9, 2012.

5C. Update to the Federal Functional Classification of Tegner Street in Wickenburg

The MAG Regional Council, by consent, approved the classification of Tegner Street located within the limits of the Town of Wickenburg to a Rural Minor Arterial in the federal functional classification system. The Town of Wickenburg, at the suggestion of the Arizona Department of Transportation (ADOT) has acted to classify Tegner Street in the Town's boundaries to minor arterial in the federal functional classification system. Previously, this facility was part of the State Highway System and was classified as a principal arterial. MAG concurrence in the reclassification is requested. ADOT procedure requires the concurrence of the regional planning body (e.g., MAG) in the functional classification of facilities. This reclassification will not affect federal funding received by the State or the MAG area and will not affect the eligibility of the facility to receive federal funding. This item was recommended for approval by the Transportation Review Committee on March 29, 2012, and the MAG Management Committee on May 9, 2012.

5D. Arterial Life Cycle Program Fiscal Year 2012 Regional Area Road Fund Closeout

The MAG Regional Council, by consent, approved the Arterial Life Cycle Program (ALCP) project reimbursements for the Fiscal Year (FY) 2012 ALCP Regional Area Road Fund (RARF) Closeout, and amending the FY 2012 Arterial Life Cycle Program, the 2011-2015 Transportation Improvement Program, and Regional Transportation Plan 2010 Update, as necessary and allocating any unused RARF Closeout funds to the next project(s) on the list if one or more of the recommended projects fail to meet all ALCP Project Requirements by the established deadlines. The Arterial Life Cycle Program (ALCP) Regional Area Road Fund (RARF) Closeout process is outlined in the approved ALCP Policies and Procedures (Policies), approved by the MAG Regional Council on December 9, 2009. This is the third year of the ALCP RARF Closeout process. The process was established to address the positive balance of funds for the current year in the ALCP RARF account. Each year there are projects scheduled for work in the current year that are deferred for a number of reasons leaving unexpended RARF funds in the account. The ALCP program allows local agencies to advance construct projects with their own funds to be reimbursed in a later year, which the Regional Transportation Plan (RTP) originally established. The ALCP RARF Closeout process evaluates both these two events to determine the possibility of reimbursing advanced completed projects earlier than scheduled. The ALCP RARF Closeout process begins with a fiscal analysis of the ALCP and proposed ALCP RARF Closeout options. The ALCP RARF Closeout options are connected to eligible, advanced, completed projects and the priorities established in the ALCP Policies and Procedures. The allocation of ALCP RARF Closeout funds is prioritized by: (1) projects scheduled for reimbursement in the next fiscal year, (2) all other projects according to the chronological order of the programmed reimbursement, (3) the date of

the final project invoice, and (4) the date the ALCP Project Reimbursement Request was accepted by MAG staff. An important part of the Closeout process is the financial analysis done by MAG to determine the impact of proposed ALCP RARF Closeout options. Section 260 of the Policies established RARF Closeout procedures, project eligibility, prioritization, and the allocation process of available closeout funds. The ALCP project reimbursements were recommended by the MAG Transportation Review Committee on April 26, 2012, the MAG Management Committee on May 9, 2012, and the Transportation Policy Committee on May 16, 2012.

5E. Project Changes - Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

The MAG Regional Council, by consent, approved amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, FY 2012 Arterial Life Cycle Program, and as appropriate, to the Regional Transportation Plan 2010 Update. The Fiscal Year 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified fourteen times with the last modification approved in April 2012. Since then, the Arizona Department of Transportation (ADOT), and member agencies have requested project changes to projects categorized as Non Arterial Life Cycle projects that include: defer 16 TIP listings, delete 12, add six, increase funding on two, decrease funding on one, combine five listings into three, and name corrections on three listings. Project change requests to funding types include Congestion Mitigation Air Quality (CMAQ), Highway Safety Improvement Program (HSIP), National Highway System (NHS), Regional Area Road Funds (RARF), Surface Transportation Program (STP), and Transportation Enhancements (TE). Fiscal balance is maintained for project change requests. Valley Metro Rail received a Federal Transit Administration (FTA) Section 5309 Small Starts (5309 SS) award of \$35,481,000 in Federal Fiscal Year 2012, and is requesting to amend eight budget items, and add sixteen new project budgets for the Central Mesa Light Rail. Valley Metro Rail has submitted the Project Construction Grant Agreement to FTA and is pending review and approval. The requests for amendments to the TIP reflect the current Project Construction Grant Agreement budget submittal to FTA. Additionally, the MAG Transit Committee recommended approval of reprogramming the Transit Center/Park and Ride in Glendale to line up with the project development schedule, and programming the remaining STP-Flex, 5309-FGM, and 5307 funds for preventive maintenance. The Prior Transit Committee Action is related to these line items. Table A lists all Non Arterial Life Cycle Program (ALCP) project change requests. Tables B and C list ALCP project change requests. The ALCP requested changes include minor budget modifications, five deleted items, and four new items. Funding reimbursements have been clarified on several items. Table D includes changes necessary to the Fiscal Year 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2010 Update that are specific to the transit reprogramming of CMAQ and section 5307 funds for preventative maintenance. All of the projects to be amended may be categorized as exempt from conformity determinations and an administrative modification does not require a conformity determination. The requested changes have received recommendations for approval by the MAG Transportation Review Committee on April 26, 2012, the MAG Management Committee on May 9, 2012, and the Transportation Policy Committee on May 16, 2012.

5F. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update. The amendment and administrative modification involve several projects, including Arizona Department of Transportation projects, various transit projects including the METRO Central Mesa light rail project, and the programming of FY 2012 CMAQ Closeout funds for transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. Comments were requested by May 18, 2012.

5G. 2010 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

The MAG Regional Council, by consent, approved forwarding the 2010 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality and Environmental Protection Agency. In accordance with the Clean Air Act, the MAG 2007 Five Percent Plan for PM-10 was submitted to the Environmental Protection Agency (EPA) in December 2007. In January 2011, the plan was voluntarily withdrawn to address technical approvability issues identified by EPA and include new information. While the plan was withdrawn, the measures in the plan continue to be implemented to reduce PM-10. On May 23, 2007, the MAG Regional Council approved that each year, MAG would issue a report on the status of the implementation of the committed measures for this region by the cities, towns, Maricopa County and the State. The report would then be made available to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality and the Environmental Protection Agency. A report has been prepared that provides the implementation status of the committed measures for 2010. In general, the combined implementation results for 2008, 2009, and 2010 meet or exceed the commitments made to implement a majority of the measures in the MAG 2007 Five Percent Plan for PM-10. On April 26, 2012, the MAG Air Quality Technical Advisory Committee recommended forwarding the report to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality, and the Environmental Protection Agency. The MAG Management Committee recommended approval on May 9, 2012.

6. Regional Freeway and Highway Life Cycle Program - 2012 Rebalancing

Bob Hazlett, MAG Senior Engineering Program Manager, reported on the effort to balance the Regional Freeway and Highway Program Life Cycle Program, which is facing a deficit of approximately \$390 million. Mr. Hazlett noted that a report on the 2012 rebalancing had been presented to the MAG Transportation Review Committee, the MAG Management Committee, Transportation Policy Committee, and MAG Regional Council, and was presented last night to the Citizens Transportation Oversight Committee. He advised that this item is being presented this month for action by the committees.

Mr. Hazlett displayed a map of projects under construction on the Regional Freeway Program, which included Loop 303, from Interstate 10 to US-60 and US-60 reconstruction from 83rd Avenue to 19th Avenue. He first gave an update on construction on Loop 303 which was requested by Supervisor Wilson. Mr. Hazlett stated that the bid opening for the segment from Camelback to Peoria is anticipated this summer, and will include the interim connection for Northern Parkway. He pointed out photographs of the system interchange in Goodyear at McDowell Road and Cotton Lane, the retaining walls for the flyover on Cactus Road, Greenway Road, and Bell Road. Mr. Hazlett noted that the mainline north of Bell Road is being paved and will go under Mountainview and Clearview in Sun City West. He stated that completion of construction is anticipated for 2015.

Mr. Hazlett displayed a timeline for the Program's projected cash flow and he noted that an analysis showed a program deficit of approximately \$390 million. He pointed out that the most severe negative balances occur in 2015, 2016, and 2017 where ADOT's bonding capacity has been impacted by lower gas tax and sales tax revenue estimates. Mr. Hazlett noted that due to the lower bonding capacity of approximately \$1 billion, the Loop 202/South Mountain project and the Interstate 10 project around the Broadway curve cannot be constructed simultaneously and must be done sequentially.

Mr. Hazlett stated that the following principles for balancing the program were considered: 1). Do not change timing for immediate construction projects (those underway) on Loop 303 and US-60/Grand Avenue; 2). Look at cash-flow, costs, and timelines for major program items; 3). Programs on US-60/Grand Avenue and HOV lanes on SR-202L/Red Mountain-Santan Freeways leave unaffected; 4). Twelve scenarios considered, and four were presented to the committees as best case for balancing and meeting cash-flow projections.

Mr. Hazlett then described the recommended scenario for balancing the program, 10b, which includes reducing the Interstate 17 budget by \$300 million. He noted that an environmental impact study is underway, but no specific project for that corridor has been identified yet. Mr. Hazlett added that it appears that improvements could total more than \$2.5 billion, not the approximate \$1.2 billion identified in the RTP. Mr. Hazlett stated a \$300 million reduction would bring the project amount to about \$900 million. He noted that another element to the rebalancing is deferring the fifth and sixth lanes on Loop 303 from US-60 to I-17, and returning to the program the Loop 303 project from Interstate 10 to MC-85. Mr. Hazlett noted that this area of Goodyear includes numerous warehousing and distribution facilities presenting opportunities for economic development. He stated that the traffic model found the proposed deferred segment of Loop 303 has capacity that holds through the 2030 time horizon. Mr. Hazlett stated that a cost/benefit analysis found that every dollar spent on the Loop 303, Interstate 10 to MC-85 project would return approximately \$5.75 in benefits, which is a very good investment. Mr. Hazlett noted that in discussions with ADOT, there are concerns with delay to the Interstate 10 project, and instead of starting the project in 2021, ADOT has revised the cash flow and found it could start in 2019. He added that with the Southeast Valley MIS underway, there may be alternatives and options with a narrower footprint that ADOT and FHWA might consider.

Mr. Hazlett stated that Scenario 10b was recommended for approval by the Transportation Review Committee on April 26 and the Management Committee on May 9. He noted that the Transportation Policy Committee also recommended approval of Scenario 10b but added bringing back into the

program the deferred Loop 303 segment when funds become available. Mr. Hazlett reported at the CTOC meeting the night before, the committee concurred with the Transportation Policy Committee recommendation and added working with ADOT to move the Interstate 10 project forward as soon as possible.

Chair Hallman thanked Mr. Hazlett for his report and asked if there were questions.

Mayor Barrett stated that he would support the recommendation but wanted to note that Peoria is giving up its place in line. He mentioned that when MAG did its analysis, it probably was not aware that resorts are coming to the Lake Pleasant area. Mayor Barrett stated that vehicle traffic currently is 600,000 to 700,000 per day and that number will increase with the addition of the resorts. He said that at the Transportation Policy Committee meeting, he had included in his motion, which was recommended by the Transportation Policy Committee, that any cost savings from other projects be applied to the deferred project on northern Loop 303.

Mr. Smith stated that both the South Mountain Freeway and the Interstate 10 at the Broadway curve are difficult corridors and are works in progress. He noted that as work continues, progress reports will be presented to the Regional Council.

Supervisor Wilson asked for clarification that Loop 303 to Interstate 10 was not being deferred. Mr. Hazlett replied that this segment was not being delayed.

Chair Hallman referenced the lanes that are planned to be added to Interstate 10 in the 2019 to 2022 timeframe. He stated that the connector between US-60 and Interstate 10 was supposed to be completed in 2007 but has never been started, even though that was part of the expansion of US-60 to serve the far East Valley. Mayor Hallman stated that the connector has been delayed time and again because the connector should be built in conjunction with the Interstate 10 project. He remarked that 12 years of delay demonstrates the willingness of Tempe and other East Valley cities to defer to the West Valley getting freeways. Chair Hallman spoke of the difficulties of those commuting in from the East Valley on US-60 and merging onto Interstate 10. He also mentioned that the traffic backups on the ramp cause air pollution issues in Tempe. Chair Hallman thanked everyone for their regionalism for working together to create a regional freeway system.

Mr. La Rue expressed appreciation for the moving up Interstate 10. He asked if the planning efforts and the environmental impact study continue should the South Mountain Freeway end up being unworkable.

Mr. Hazlett replied yes, the environmental impact study, which started in 2001, is still underway. He noted that there are still some issues around Sky Harbor Airport. Mr. Hazlett noted the concern that lanes in the area of 40th Street and Baseline Road end in advance of the Salt River Bridge. He noted that narrowing the freeway from 25 lanes to 13 lanes could create significant congestion issues. Mr. Hazlett stated that the loop ramp from SR-143 to south Interstate 10 is a known bottleneck. He stated that this needs to be fixed, but in the context of the entire corridor.

Mr. La Rue asked for clarification that no matter if this is approved, the message is to keep working because we do not know what will happen eventually. Mr. Hazlett replied that was correct.

Chair Hallman stated that money is tight, but the environmental impact study for that segment has been underway since 2001 and that is why the project was expected to be completed in 2007. He encouraged ADOT, FHWA, and MAG to continue planning, but critical points, SR-143 and US-60 for example, need to be fixed and they are causing significant air quality issues. Chair Hallman stated that a plan or design to address those two elements needs to get started, but it is absurd to have a 25-lane behemoth that narrows down to 13 lanes. He stated that US-60 currently is a six-lane freeway that narrows to a five lane freeway to a three lane ramp, which causes traffic backups into Tempe.

Mayor Smith said that the Broadway curve is important and needs special attention. He remarked on the lessons that have been learned about Interstate 10 traffic through the Stack through the downtown loop and how it interfaces with Interstate 17. Mayor Smith expressed that he hoped that we would not be so locked in to the ministack and Durango curve as two separate issues and a plan that the only way to get traffic through downtown Phoenix is via the Interstate 10 corridor through the tunnel, that other solutions are not considered.

Mr. Hazlett stated that a lot can be done with the Durango curve area and he noted that the ministack is another bottleneck. He suggested redirecting traffic may achieve better traffic flow in the downtown Phoenix core area

Chair Hallman stated that the plans for South Mountain Freeway and Interstate 10 are in flux and might need to be adjusted in the future. Chair Hallman stated that with no further questions, he would entertain a motion that would include the amendments made by the Transportation Policy Committee and the Citizens Transportation Oversight Committee.

Mayor Barrett moved to recommend approval of 2012 Rebalancing Scenario 10B, where the MAG Regional Freeway and Highway Program meets the projected \$390 million shortfall by repositioning the SR-202L/South Mountain Freeway and Interstate 10/Maricopa Freeway projects to improve the Program's cash flow; transfer funding from the SR-303L segment between US-60 and Interstate 17 to the SR-303L segment between Interstate 10 and MC-85, but retain funding for a grade separated interchange at the existing El Mirage Road intersection; remove \$300 million from the Program's budget for the Interstate 17/Black Canyon Freeway corridor; to encourage ADOT to focus upon cost-effective solutions that will provide opportunities to return projects to the Program in the future; return to the Program the segment of Loop 303 from US-60/Grand Avenue to Interstate 17 if funding from other sources, such as right-of-way construction/bid savings; becomes available; continue working with ADOT to move the Interstate 10 project forward as soon as possible; and incorporate the revised program in the next update of the MAG Transportation Improvement Program and the Regional Transportation Plan. Mr. Arnett seconded the motion.

With no questions, Chair Hallman called for a vote on the motion, which passed unanimously.

7. MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

Lindy Bauer, MAG Environmental Programs Director, provided an overview of the new Draft MAG 2012 Five Percent Plan for PM-10. Ms. Bauer stated that the new 2012 Plan includes a wide variety of existing control measures and projects that already have been implemented. Ms. Bauer noted that while the 2007 Five Percent Plan was withdrawn, the control measures continue to be implemented and are being resubmitted. Ms. Bauer stated that the new plan contains one new measure to reduce PM-10 during high risk conditions, including high winds. She advised that the focus for the attainment demonstration this time is on high winds, and she added that there have been no violations of the PM-10 standard in stagnant conditions since the prior plan was submitted in December 2007.

Ms. Bauer noted that the Plan includes a wide range of controls on trackout, open burning, unpaved shoulders, unpaved roads, vacant lots, earthmoving, all terrain vehicles, weed abatement, leaf blowers, street sweepers, and nonmetallic mineral processing (sand and gravel operations).

Ms. Bauer stated that MAG closely monitors the air quality monitoring data. She mentioned that EPA has unofficially indicated that 2009 may be a clean year and it might question only a few of the events. Ms. Bauer indicated that 2010 was a clean year since there was only one exceedance and no violations of the PM-10 standard. She noted that 2010 being clean is what led EPA to say to MAG to resubmit the measures in the prior Plan. Ms. Bauer stated that in 2011, there were numerous exceptional events that needed to be documented for EPA.

Ms. Bauer stated that the 2008 PM-10 Periodic Emissions Inventory serves as a foundation for the 2012 Plan and includes new information from EPA for paved road dust.

Ms. Bauer discussed that the 2012 Five Percent Plan takes credit for a number of measures in the withdrawn MAG 2007 Five Percent Plan that have been implemented. She stated that most of the credit is being taken from the Maricopa County Dust Control Rules, which have increased in effectiveness over time, sweeping of freeways with PM-10 certified sweepers, the purchase of PM-10 certified street sweepers with CMAQ funds, the paving of roads, alleys, and shoulders, completion of stabilization projects by local governments, reduction of speed limits on dirt roads, rubberized asphalt, and the new measure, the Dust Action General Permit, which was passed by the Legislature in 2011.

Ms. Bauer noted that the Plan must have contingency measures. Ms. Bauer stated that 862 total miles of roads/alleys and 1,158 total miles of shoulders were paved or stabilized and 25 new PM-10 certified street sweepers were purchased. Ms. Bauer noted that the Draft MAG 2012 Five Percent Plan for PM-10 meets the needed emissions reduction, has greater tonnages than the targets, and meets the contingency requirement. She displayed a pie chart produced by the Plan and includes all of the measures that totals more than 38,000 tons of PM-10.

Ms. Bauer stated that in conclusion the Draft MAG 2012 Five Percent Plan for PM-10 meets the annual five percent reduction requirement, meets the contingency requirement, and demonstrates attainment in 2012 for two high wind days. She indicated that an extension of the attainment date from June 6, 2012 to December 31, 2012 has been requested. The extension is being requested so that the Dust Action

General Permit can be implemented for an entire year in order to demonstrate attainment. Ms. Bauer stated that the PM-10 emission reductions in 2012 total 19,527 tons, a 33 percent reduction. She advised that three clean years at the monitors are needed for EPA to approve the plan, and she added that documentation of exceptional events is very important.

Ms. Bauer provided an overview of the Draft MAG 2012 Five Percent Plan schedule. She noted that on March 12, 2012, the draft plan became available for public review. Ms. Bauer added that the public hearing on the Draft MAG 2012 Five Percent Plan for PM-10 was held on April 12, 2012. The Plan was recommended for adoption by the MAG Air Quality Technical Advisory Committee on April 26, 2012, and the MAG Management Committee on May 9, 2012. Ms. Bauer noted that the Plan was being presented to the MAG Regional Council for adoption. Following Regional Council adoption of the plan, on May 25, 2012, MAG would submit the plan to Arizona Department of Environmental Quality, which would submit the plan to the Environmental Protection Agency. Ms. Bauer stated that by August 14, 2012, EPA will need to make a completeness determination on the plan which will stop the 18 month and 24 month sanction clocks that began when the plan was withdrawn. She indicated that by February 14, 2013 EPA needs to approve the plan to stop the imposition of a federal implementation plan.

Chair Hallman asked the status of ADEQ documenting 2009 as a clean year. Ms. Bauer replied that it is important to have three years of clean data. She noted that no response has been received from ADEQ from the letter Chair Hallman sent urging that ADEQ do the documentation. Chair Hallman explained that exceptional events need to be documented by quarter during a designated time period. He noted that ADEQ had not documented the first quarter of 2009, but there was still time to document April to December 2009, so as not to risk what could happen in 2012, and have three years of clean data. Chair Hallman stated that they would be grateful for anyone who might impress ADEQ with the importance of documenting just a few exceptional events.

Ms. Bauer stated that the MAG region had approximately seven exceptional events in 2009 and ADEQ needs to submit the documentation. She added that EPA has indicated that out of those seven exceptional events, they would question only a few.

Chair Hallman recognized public comment from John Rusinek, a resident of Phoenix, who commented on a complaint he submitted in 2005 regarding a driveway next door that was non-compliant with the City's dust proofing ordinance. He said that the ordinance says that dust proofing is required for all parking and maintenance areas in the City of Phoenix. Mr. Rusinek stated that dust proofing ordinances apply to all residents and businesses – no grandfathered parking rights for parking surfaces. He stated that nothing has been done. He stated that he has kept a log for seven and one-half years, and no one from the City would read it or discuss it with him. Mr. Rusinek stated that in January he spoke to the Phoenix City Manager and Dennis Murphy agreed to come with an inspector. He described the driveway of the next door property that he felt was in violation of the property ordinances, but the City has indicated the driveway is perfect, the environmental department said it will not come out to the property and will accept the opinion of the neighborhood services inspector. Chair Hallman thanked Mr. Rusinek for his comments.

Mayor Tibshraeny requested that a followup be provided to the Regional Council on the decision. Chair Hallman noted that this is regarding a City of Phoenix ordinance, and MAG staff could report back after speaking to City staff.

Chair Hallman recognized public comment from Mr. Vint, who stated that he had been a resident of the Valley for 60 years and the City staff does not care about the residents and especially business people and he had been treated like dirt. Mr. Vint stated that the City has a new Mayor and Manager and a golden opportunity to fix this. He reported that he has asked in emails at least 40 times who is responsible and accountable but no one seems to know. Mr. Vint stated that he put 75 tons of gravel on his driveway and it is difficult to drive on. He stated that he was referred to MAG and he asked if they would get something done. Mr. Vint stated that five people ran for mayor and each said they will fix this problem. He then held up a Dust Reduction Task Force brochure and because City staff will not even speak with Mr. Rusinek, he does the emailing. Mr. Vint stated that Mr. Rusinek was told what he could do with himself and he added that City staff work for the citizens. He asked where they could go for help and he said that he would rely on Mayor Stanton's promises. Chair Hallman thanked Mr. Vint for his comments.

With no further questions noted, Chair Hallman called for a motion. Mayor LeVault moved adoption of the MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area. Supervisor Wilson seconded, and the motion passed unanimously.

8. Federal Exceptional Events Reform Legislation

Ms. Bauer stated that the exceptional events issue is still unresolved. She said that MAG's special counsel in Washington, D. C., drafted federal exceptional events reform legislation. Ms. Bauer stated that the basic premise of the legislation is that states would make the determination on exceptional events, in consultation with EPA. She noted that ADEQ has been overwhelmed with the excessive documentation required by EPA to be submitted for exceptional events. Ms. Bauer reported that EPA indicated it would report back in July on the first documentation submitted by the ADEQ for the July 2-8, 2011, exceptional events.

Ms. Bauer stated that on April 12, 2012, staff from Congressman Jeff Flake's office conducted a meeting at the MAG office regarding draft federal exceptional events reform legislation, and provided a two page summary called "The Commonsense Legislative Exceptional Events Reform Act of 2012" (The CLEER Act of 2012). Ms. Bauer noted that the legislation includes a provision that EPA would have to make a decision within 90 days of receiving the documentation (with a provision for a 90-day extension) and if EPA did not take action, it would be deemed approved. Ms. Bauer stated that currently, EPA's exceptional events rule does not include a deadline for it to take action. She stated that secondly, the legislation would require that EPA develop specific criteria and reflect the varying levels of resources in states and local agencies and consider a streamlined approval process. Thirdly, the EPA's decisions would be appealable.

Ms. Bauer noted that the MAG Washington special legal counsel prepared an analysis of the legislation, and found that while the approval process would be streamlined, the extensive documentation required

to be submitted by states would not be streamlined. She said that legal counsel made some recommendations in a redline, and in addition, Chair Hallman suggested making it permissive, so that EPA may defer to states. Ms. Bauer stated that Chair Hallman had some positive discussions and it appears Congressman Flake may be agreeable to amending the legislation to include provisions for strengthening the CLEER Act.

Nathan Pryor, MAG Intergovernmental Policy Coordinator, continued the agenda item, reporting on the process. He said that the CLEER Act has been assigned to HR 5381 and has been assigned to the Subcommittee on Energy and Power, which has jurisdiction over the Clean Air Act within the full committee and is chaired by Congressman Whitfield. Mr. Pryor noted that the timing is unknown, but may occur soon. He stated that the subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation and report to the full committee. Mr. Pryor stated that one week notice of pending subcommittee hearings is required and a two to three week notice is more common practice.

Mr. Pryor stated that the first opportunity to amend the legislation resides with the subcommittee chair at the beginning of the markup session and subcommittee members may propose amendments during the markup session. He noted that if the bill reaches the full committee, the amendment process just described would apply, and it may go to the House Rules Committee or to the House for a vote and then to the Senate. Mr. Smith stated that they understand Congressman Flake is supportive of the redline.

Chair Hallman explained to the Regional Council that MAG's Washington, D. C., legal counsel recognized that the proposed legislation did not reduce the amount of documentation required for exceptional events, so they provided a markup. Chair Hallman noted that Congressman Flake indicated he would try to get through an amendment as soon as possible.

12. Legislative Update

This agenda item was taken out of order.

Mr. Pryor provided a legislative update. He stated that the Southern California Association of Governments (SCAG) is coordinating a letter to Senator Barbara Boxer, Chair of the Committee on Environment and Public Works, requesting provisions for major metros in the surface transportation reauthorization, which expires on June 30, 2012. Mr. Pryor stated that the Senate has passed its legislation, MAP 21, and the House has passed its version as well. A conference committee comprising House and Senate members currently is discussing legislative provisions of the reauthorization. Mr. Pryor stated that SCAG is requesting that executive directors of metropolitan planning organizations in large urban areas, such as Chicago, Philadelphia, Miami, Houston, San Francisco, Atlanta, and Boston, consider signing a letter of support.

Mr. Pryor then described the five areas of interest for major metros: 1. Preserving current suballocation levels; 2. Shifting diesel retrofits to states rather than MPOs; 3. Including a national freight program; 4. Streamlining federal processes to expedite project delivery; 5. Restoring parity for drivers and commuters in pre-tax benefits. Mr. Pryor stated that this item is on the agenda for potential action to consider authorizing the MAG Executive Director to sign a letter of support to Senator Barbara Boxer

outlining major metro provisions developed by the Southern California Association of Governments (SCAG) regarding surface transportation reauthorization. He added that SCAG would like to send the letter by the end of next week.

Chair Hallman asked if there were questions.

Councilman Esser moved to authorize the MAG Executive Director to sign a letter of support to Senator Barbara Boxer outlining major metro provisions developed by the Southern California Association of Governments regarding surface transportation reauthorization. Vice Chair Rogers seconded.

Mayor Schoaf asked if staff was in favor of the letter. Mr. Smith replied that staff has reviewed the draft letter and requested changes that SCAG has agreed to make. He added that staff supports the letter with the requested changes.

With no further questions, the vote on the motion passed unanimously.

9. Approval of the FY 2013 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

Becky Kimbrough, MAG Fiscal Services Manager, provided a report on the draft FY 2013 MAG Budget that was on the agenda for action. She said they are requesting that the resolution to adopt the draft FY 2013 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

Ms. Kimbrough stated that the draft Work Program is presented incrementally each year, beginning in January with proposed dues and assessments. She advised that this year MAG is proposing to retain the 50 percent overall reduction of member dues. Ms. Kimbrough stated that in February the proposed projects for the Work Program are presented and in March the initial draft was sent to MAG committees. Ms. Kimbrough stated that in April, changes to staff and projects, including the addition of the Cave Creek/Carefree Transportation Framework Study and the additional funding for the Maricopa County Trip Reduction program were presented.

Ms. Kimbrough stated that there is an overall decrease to the proposed FY 2013 budget from the current year budget of 13.2 percent without including carryforward consultant estimates. She noted that including the carryforward consultant budgeted amounts, there is an overall decrease in the FY 2013 budget of 12.04 percent.

Mayor LeVault moved approval of the resolution adopting the FY 2013 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments. Mayor Schlum seconded, and the motion passed unanimously.

10. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting were requested.

No requests were noted.

11. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Chair Hallman recognized Karla Petty, Administrator for the Federal Highway Administration, Arizona Division, who was in attendance at the meeting. He thanked her and her staff for all of the great work they do. Ms. Petty was applauded.

Adjournment

There being no further business, Mayor Lane moved and Mr. Arnett seconded the motion to adjourn the meeting at 12:55 p.m.

Chair

Secretary